

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PAUL D. WILLIAMS, #1149568,

Petitioner,

v.

DIRECTOR, TDCJ-JID,

Respondent.

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Case No. 6:19-CV-297-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner Paul D. Williams, an inmate confined in the Texas prison system proceeding pro se, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 2003 Smith County conviction for burglary of a habitation. Docket No. 1. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be denied as time-barred. Docket No. 10. Petitioner has filed objections. Docket No. 13.

The Court has conducted a careful de novo review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (The district judge shall "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Having reviewed the Magistrate Judge's Report and Recommendation and Petitioner's objections, the Court has determined that the Report is correct and that the objections are without merit. Docket No. 10.


Petitioner's conviction became final on March 2, 2003. The Report found that Petitioner's habeas petition was time-barred because it was filed on June 23, 2019, well beyond the one-year deadline required by the Antiterrorism and Effective Death Penalty Act of 1996,

28 U.S.C. § 2244(d)(1). Docket No. 1 at 1.

In his objections, Petitioner fails to explain why the limitations provision in § 2244(d)(1) does not apply to this action. Docket No. 13. The allegedly unconstitutional actions all took place and were discoverable at the time of Petitioner's 2003 conviction, and nothing in the petition or the objections shows that these remained unknown to Petitioner and were undiscoverable through due diligence for nearly fifteen years. *Cf.* § 2244(d)(1)(D). Therefore, the petition is time-barred.

It is accordingly **ORDERED** that the Report and Recommendation (Docket No. 10) is **ADOPTED**. It is further **ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**.

So **ORDERED** and **SIGNED** this **4th** day of **February, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE